

REMARKS

The Official Action mailed April 24, 2007, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on December 8, 2003; August 23, 2004; and January 21, 2005.

Claims 6-30 are pending in the present application, of which claims 6, 12, 17 and 23 are independent. Claims 6, 12, 17 and 23 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action objects to the recitation of both "a pair of orientation films" and "wherein a number of the orientation films is two" in claims 17 and 23. In response, claims 17 and 23 have been amended to recite "orientation films," and the phrase, "wherein a number of the orientation films is two" has been deleted. Reconsideration and withdrawal of the objections are requested.

The Official Action rejects claims 6-30 as obvious based on the combination of U.S. Patent No. 4,878,742 to Ohkubo and U.S. Patent No. 5,250,214 to Kanemoto. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claims 6, 12, 17 and 23 have been amended to recite that each of a pair of substrates is provided with only one of the orientation films.

Ohkubo appears to teach that "11, 11' are transparent substrates ... 14, 14' are homogeneous alignment ability regions and 15 is a homeotropic alignment ability region" (column 3, lines 36-39). However, Ohkubo does not teach or suggest that each of a pair of substrates is provided with only one of the orientation films.

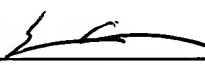
Kanemoto is relied upon to allegedly teach a value for surface tension and does not cure the deficiencies in Ohkubo.

Therefore, the Applicant respectfully submits that Ohkubo and Kanemoto, either alone or in combination, do not teach or suggest that each of a pair of substrates is provided with only one of the orientation films.

Since Ohkubo and Kanemoto do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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